

Notice of Allowability

Application No.

10/033,583

Applicant(s)

KAWATA, MASAYUKI

Examiner

Johannes P Mondt

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary (11/12/2004) and After-Final Amendment (10/18/2004).
2. ☒ The allowed claim(s) is/are 1- 3, 7- 8, 10- 11, 13-14, 17, 19 and 20.
3. ☒ The drawings filed on 20 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

With reference to the Interview Summary of 11/12/2004, Advisory Action mailed 11/02/2004 has been withdrawn and *After-Final Amendment* filed 10/18/2004 has been *entered* in light of Applicant's convincing arguments that the limitations of dependent claims 4, 5 and 18 had been both fully and exclusively entered into their independent claims 1, 2 and 17, respectively.

In said Amendment Applicant cancelled claims 4-6, 9, 12, 15-16 and 18. All pending claims 1-3, 7-8, 10-11, 13-14, 17, 19 and 20 have been substantially amended at least through substantial amendment of claims 1, 2, 3, 17 and 20.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on two applications filed in Japan on 12/06/2001 and 12/21/2001. It is noted, however, and it has been noted before (cf. Forms PTO-326 of both the Non-Final Office Action mailed 12/17/2003 and the Final Office Action mailed 07/13/2004) that applicant has not filed a certified copy of the Japanese applications as required by 35 U.S.C. 119(b). Applicant is invited to file said certified copies without which no foreign priority claim can be granted.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Attorney Franco Delaguori on 11/12/2004.

The application has been amended as follows:

BEGIN EXAMINER'S AMENDMENT

Claim 17: the wording "generally parallel" (line 19) has been replaced by "planar".

END OF EXAMINER'S AMENDMENT

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: closely related art is Kashiwagi et al. However, with regard to independent claims 1, 2, and 17, while Kashiwagi et al teach a holding structure (cf. third sentence of English abstract), Kashiwagi et al do not teach the limitation that the holding structure is to comprise two holding members one of which engaging with engagement portions of the liquid crystal device extending from respective ones of the first surface portions. No prior art has been found that teaches said limitation or over which said limitation is obvious. Finally, a previously indicated objection to the use of the wording "at least one second surface portion" (claim 1, lines 9 and 15; claim 2, lines 9 and 16) is withdrawn in light of the interpretation of "first surface portion" and "second surface portion" as portions possibly contain more than one portion, the latter being enumerated separately.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johannes P Mondt whose telephone number is 571-272-1919. The examiner can normally be reached on 8:00 - 18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
November 13, 2004